

REQUESTED BY COUNCILMEMBERS UHRIN AND WOOD

A RESOLUTION REQUESTING THE CIRCUIT COURT TO ORDER
THAT A REFERENDUM ELECTION BE HELD ON NOVEMBER 6,
2012 ON THE QUESTION OF WHETHER THE CITY COUNCIL
SHOULD ADOPT AN ORDINANCE APPROVING THE EXPANSION
OF THE TIDE LIGHT RAIL SYSTEM INTO THE CITY OF VIRGINIA
BEACH

WHEREAS, on August 19, 2011, The Tide light rail system opened for service in the
City of Norfolk and extends 7.4 miles from the Eastern Virginia Medical Center complex east
through downtown Norfolk and adjacent to I-264 to Newton Road; and

WHEREAS, in 2009, at the direction of the Virginia General Assembly, Hampton Roads
Transit ("HRT"), which operates the Tide, began conducting the Virginia Beach Transit
Extension Study to examine the best transit options available for a former freight rail right-of-
way that runs from Newtown Road to Birdneck Road in Virginia Beach and that includes
options for extending transit service east of Birdneck Road to the Oceanfront; and

WHEREAS, in April 2011, HRT paused the study so that nine-to-twelve months of
ridership data from The Tide light rail system could be collected, which will allow the travel
forecasting model for any extension to be calibrated based on actual ridership; and

WHEREAS, HRT anticipates that the study will be completed by the end of 2013; and

WHEREAS, HRT also has allocated \$30 million in Regional Surface Transportation
Funding that can be used to pay the full cost of a preliminary engineering study of the
potential expansion of The Tide into Virginia Beach; and

WHEREAS, City Council has consistently conditioned its support for expansion of the
light rail system into the City on the citizen's support of that expansion at an advisory
referendum; and

WHEREAS, City Charter § 3.05(f) authorizes City Council "[t]o provide for the
submission of any proposed ordinance to the qualified voters of the city at an advisory
referendum to be initiated by a resolution to the circuit court of the city and held . . . in the
manner provided for by law for general elections"; and

WHEREAS, in a 1999 advisory referendum on light rail, a majority of persons voting
opposed approval of the light rail transit project in Virginia Beach; and

WHEREAS, given all that has occurred with respect to light rail and surface
transportation in our region in the thirteen years since that vote, City Council desires to
provide our citizens with an opportunity to vote in an advisory referendum on a new ordinance
that would approve the expansion of The Tide light rail system into the City of Virginia Beach;
and

WHEREAS, City Council is of the opinion that the referendum election should be held during the November 6, 2012 general election because historical data show that the highest level of voter turnout occurs during presidential elections, where both houses of Congress are also on the ballot, and the anticipated higher turnout for such an election would provide City Council with a more reliable indicator of the will of Virginia Beach citizens than if the referendum were held in a year without such an election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA:

1. That, pursuant to § 3.05(f) of the Charter of the City of Virginia Beach, the Circuit Court of the City of Virginia Beach is hereby requested to order an election to be conducted in accordance with Code of Virginia §§ 24.2-682 and 24.2-684 and held on November 6, 2012 to take the sense of the qualified voters of the City on the question of whether the City Council should adopt an ordinance approving the expansion of The Tide light rail system into the City of Virginia Beach.

2. That the question to appear on the ballot shall read as follows:

**Should the City Council adopt an ordinance approving the expansion of
The Tide light rail system into the City of Virginia Beach?**

Yes_____ No_____

3. That, if a majority of voters voting at the election approve the question set forth above, any ordinance that may be adopted by the City Council shall be substantially similar to the proposed ordinance attached hereto as "Exhibit A;"

4. That a copy of the proposed ordinance shall be made available for inspection at the City Clerk's Office, on the City's website, and all public libraries and recreation centers within ten days of the passage of this resolution. Furthermore, the City Clerk shall fax or email a copy of the proposed ordinance to any citizen upon request; and

5. That the City Attorney is hereby directed to file a certified copy of this resolution, along with an appropriate petition and order, with the Circuit Court of the City of Virginia Beach for such an election to be held on November 6, 2012.

Adopted by the City Council of the City of Virginia Beach, Virginia, this _____ day of _____, 2012.

APPROVED AS TO LEGAL
SUFFICIENCY:

City Attorney's Office

CA12228 R-2 April 2, 2012